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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No.: CR 13-00585 EDL
)	
Plaintiff,)	STIPULATION AND PROPOSED
v.)	ORDER TO EXCLUDE TIME BETWEEN
)	OCTOBER 15, 2013, AND OCTOBER 22,
EMELITA GANNABAN CHUA,)	2013
)	
Defendant.)	
)	

The defendant, EMELITA GANNABAN CHUA, provisionally represented by EDWARD HU, Assistant Federal Public Defender, and the government, represented by DANIEL P. TALBERT, Special Assistant United States Attorney, stipulate that time should be excluded from October 15, 2013, to October 22, 2013 from the Speedy Trial Clock. Chua is charged with a Class A Misdemeanor. Although certain misdemeanors are not subject to the Speedy Trial Act, a Class A Misdemeanor does fall under the Speedy Trial Act requirements. *See* 18 U.S.C. § 3172(2) (2013); *United States v. Boyd*, 214 F.3d 1052 (9th Cir. 2000).

The parties appeared before the Court on September 18, 2013. The parties jointly requested to appear before the Court on October 15, 2013 for a status conference. Based on the parties' request, the

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matter was continued to October 15, 2013 at 11:00 am before Judge Laporte. Judge Laporte subsequently ordered the time until October 15, 2013, excluded from the Speedy Trial Clock. The status conference has now been reset for October 22, 2013, and therefore the parties request that the time between October 15, 2013, and October 22, 2013, be excluded from the Speedy Trial Clock.

The parties request that time be excluded based upon the need for effective preparation of counsels, pursuant to Title 18 United States Code, Section 3161(h)(7)(B)(iv). The parties are attempting to negotiate a possible resolution of this matter.

DATED: October 8, 2013

Respectfully submitted,

MELINDA HAAG
United States Attorney

By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U.S. Attorney

DATED: October 8, 2013

BY s/ Edward Hu
EDWARD HU
Assistant Federal Public Defender
(as authorized by email)

~~PROPOSED~~ ORDER

Based upon the representations of counsels and for good cause shown, the Court finds that failing to exclude the time between October 15, 2013, and October 22, 2013 would unreasonably deny counsels the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between October 15, 2013, and October 22, 2013 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between October 15, 2013, and October 22, 2013 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: 10/9/13


HON. ELIZABETH D. LAPORTE
United States Magistrate Judge